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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,871

07/21/2006

Armin Merz

R.307341

1552

2119 7590 01/06/2009
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EXAMINER

COLEMAN, KEITH A

ART UNIT

PAPER NUMBER

3747

MAIL DATE

DELIVERY MODE

01/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,871	Applicant(s) MERZ ET AL.	
	Examiner KEITH COLEMAN	Art Unit 3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kovacs et al. (US Patent No. 4,008,009).

With regards to claim 9, the patent to Kovacs et al. discloses a high-pressure pump for a fuel injection system of an internal combustion engine (Col. 1, Lines 1-5), the pump comprising a housing (i.e. body 11, Col. 2, Lines 30-35, See Figure 1) with at least one pump element including a pump piston (i.e. piston 35, Col. 2, Lines 55-57, See Figure 1) driven into a stroke motion by a drive shaft (i.e. camshaft 50, Col. 3, Lines 5-10); the pump piston (35) being guided so that it can slide in a cylinder bore (i.e. barrel 29, Col. 2, Lines 55-60) of a housing part (i.e. the interior chamber of 29) and delimiting a pumping chamber (i.e. contains piston 35) therein; a support element (i.e. ears 51, Col. 3, Lines 50-55) supporting the pump piston (35) against the drive shaft (50); a prestressed return spring (i.e. spring 41, See Figure 1) acting on both the pump piston (35) and the support element (i.e. spring 46 via washer 43) in the direction toward the drive shaft (50), a receptacle (i.e. the interior of control sleeve 38 as shown in Figure 1) contained in the housing part (i.e. interior chamber of 29) that also contains the

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cylinder bore (29, See Figure 1), the support element (51) being guided so that it can slide in the receptacle (38) in the direction of the longitudinal axis of the pump piston (35) but cannot rotate around the longitudinal axis (See Figure 2).

With regards to claim 10, the patent to Kovacs et al. discloses wherein an end of the cylinder bore (29) oriented toward the drive shaft (50) terminates at a plane containing a wall of the receptacle (i.e. the interior cavity of 35 as shown in Figure 1).

With regards to claims 11 and 12, the patent to Kovacs et al. discloses wherein the receptacle (i.e. the interior cavity of 35 as shown in Figure 1) is embodied in the form of at least one slot provided in the housing part (i.e. the interior chamber of 29).

With regards to claims 13-15, the patent to Kovacs et al. discloses wherein the support element (51 appears to be rectangular in Figure 1) is embodied as at least approximately rectangular in cross section (appears to be a cross section in Figure 1).

With regards to claims 16-19, the patent to Kovacs et al. discloses wherein the housing part comprises an extension (42) that is at least approximately cylindrical, is oriented toward the drive shaft (50), and contains the cylinder bore and the receptacle (See Figure 1).

With regards to claims 20-23, the patent to Kovacs et al. discloses wherein the return spring (41) is a helical compression spring encompassing the extension of the housing part (42).

With regards to claims 24-27, the patent to Kovacs et al. discloses wherein the extension (42) of the housing part comprises an annular groove that opens toward the drive shaft (50) and divides the extension (42) into an inner extension (thinner portion of annular groove of 42 as shown near label 42) and an outer extension (thicker portion of annular groove of 42 as shown near label 42) encompassing it; and wherein the return spring is embodied in the form of a helical compression spring contained in the annular groove (See Figure 1).

With regards to claim 28, the patent to Kovacs et al. discloses wherein the return spring (41) is supported at least indirectly against the support element (51); and wherein the pump piston is coupled to the support element (51) in the direction of its longitudinal axis (See Figure 1).

Response to Arguments

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

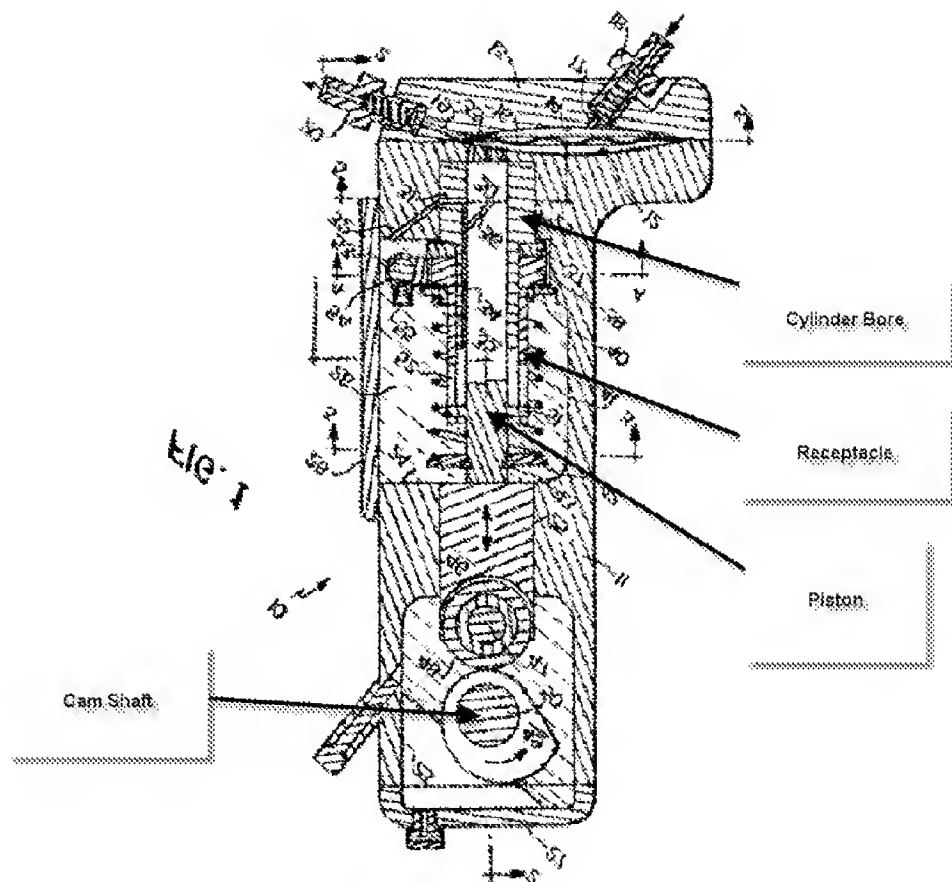
Applicant's Arguments

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Applicant has amended the claim language to overcome the previous cited reference by adding the limitation of "wherein an end of the cylinder bore oriented toward the drive shaft terminates at a plane containing a wall of the receptacle"

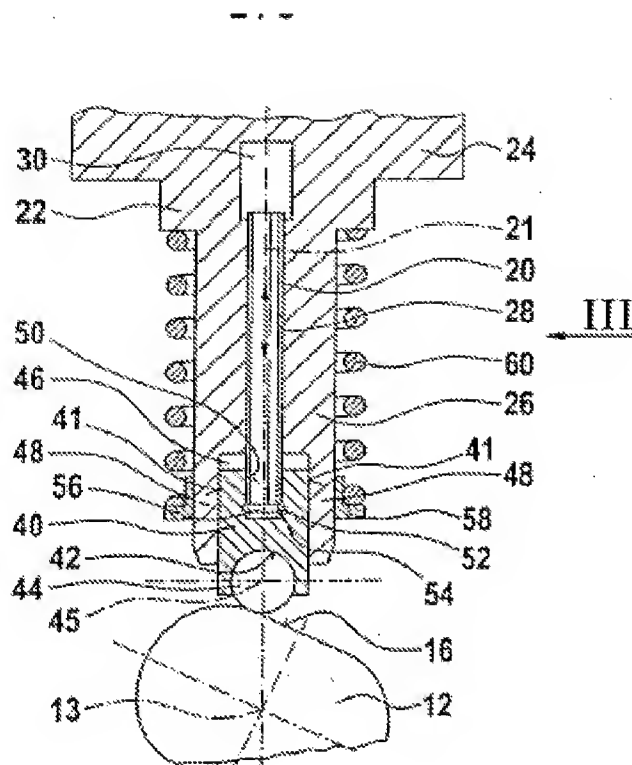
Examiner's Response to Arguments

The patent to Kovacs et al. clearly shows Applicant's claimed subject matter in Figure 1.



Applicant's Drawing as shown in Figure 2

Fig. 2



As such, this action is made final.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH COLEMAN whose telephone number is (571)270-3516. The examiner can normally be reached on 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Cronin can be reached on (571)272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KAC

/K. C./

Examiner, Art Unit 3747

/Stephen K. Cronin/

Supervisory Patent Examiner, Art Unit 3747